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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,690	08/31/2001	Takashi Hasegawa	H-990	9330

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EXAMINER
HA, LEYNNA A

ART UNIT	PAPER NUMBER
2135	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/942,690	HASEGAWA, TAKASHI
	Examiner	**Art Unit**	
	LEYNNA T. HA	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-14 are pending.

2.   *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114,

and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the

previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 12/22/2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

3.   **Claims 1-14 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Kuno, et al. (US 6,584,552), and further in view of Ito, et

al. (US 6,577,814).

As per claim 1:

Kuno discloses a broadcasting method comprising the steps of:

broadcasting contents from a broadcaster along with a <u>start</u> store command in a first time period, said <u>start</u> store command causing said contents to be stored <u>into</u> a storage medium at a receiving side; and **(col.20, lines 10-13 and 17-19; Kuno discusses the first time period as where the controller sends to the STB a reception start command to start receiving the program that then leads to the record command. The start of video recording is transmitted and received asynchronously and at an arbitrary timing (col.17, lines 17-20).)**

broadcasting a play command from a broadcaster in a second time period subsequent **(col.21, lines 44-45; Kuno teaches that the broadcasting command is first to send a reception start in order to record (the record command) (col.20, lines 10-12 and 64-65). Next, is the play command wherein the reproduction start command is sent to the television monitor (col.21, lines 57-58) to reproduce the data (col.21, lines 63-67). Therefore, Kuno teaches the play command is broadcasted in a second time period subsequent to the first time period after broadcasting the contents.)** to said first time period to a receiving side after broadcasting the contents **(col.21, lines 47-48 and 56-57)**, said play command causing said contents stored <u>into</u> said storage medium to be retrieved therefrom for output of the contents, **(col.21, lines 45-46 and 59-67)**

However, Kuno did not clearly point out <u>wherein said contents retrieved</u>

<u>from said storage medium are outputted in a third time period, which is different</u>

<u>from said first time period, and is pre-specified by the broadcaster.</u>

Ito, et al. discloses an invention to provide data input/output apparatus and

a data input/output method and apparatus that can output an increased number

of data sheets in a high speed reproduction mode and be operated comfortably

and efficiently. Ito discloses a data recording/reproducing apparatus comprising

a plurality of input/output processing sections for processing and outputting input

data including audio and/or video data and a plurality of non-linearly accessible

recording medium in order to record the data output from the input/output

processing sections in the recording medium and also to reproduce the data

recorded in the recording medium and output them to the input/output processing

sections (col.3, lines 10-26). The method comprising control means for

controlling input/output processing means so as to make them carry out the

processing operations in the allocated respective time slots and outputting time

slot signals with a fixed cycle period to the respective input/output means (col.3,

lines 27-31) and causing each of input/output processing sections to carry out an

operation of said data in the time slots allocated to it in the first step and output

the processed data to the recording medium and also causing it to process the

data output from the related recording medium and externally output the

processed data (col.3, lines 50-67). Ito further discusses a volume of data is

stored in the memory of the port in each period and then written into the data

storage collectively during the time slot allocated to the port (col.5, lines 17-23).

In essence, Ito reads on the claimed said contents retrieved from said storage

medium are outputted in a third time period, which is different from said first time

period, and is pre-specified by the broadcaster.

Thus, it would have been obvious for a person of ordinary skills in the art

to combine the teaching of Kuno with teaching the claimed wherein said contents

retrieved from said storage medium are outputted in a third time period, which is

different from said first time period, and is pre-specified by the broadcaster as

taught by Ito because the control means for controlling input/output processing

means so as to make them carry out the processing operations in the allocated

respective time slots and outputting time slot signals with a fixed cycle period to

the respective input/output means (col.3, lines 27-31) and a volume of data is

stored in the memory of the port in each period and then written into the data

storage collectively during the time slot allocated to the port (col.5, lines 17-23)

causing it to process the data output from the related recording medium and

externally output the processed data (col.3, lines 50-67). Thus, Ito is an

improvement to provide data input/output apparatus and a data input/output

method and apparatus that can output an increased number of data sheets in a

high speed reproduction mode and be operated comfortably and efficiently (col.3,

lines 9-14).

As per claim 2:   See Kuno on col.3, lines 21-35 and col.19, lines 53-67;

discussing contents broadcast in said first time period are encrypted, and

wherein said play command broadcast in said second time period includes a

decryption key for decrypting the encrypted contents, <u>and wherein said contents</u>

stored in said storage medium are protected against unauthorized decryption and outputted in any time period except for said third time period.

As per claim 3: See Kuno on col.5, lines 20-26 and col.19, lines 1-30; discussing contents broadcast in said first time period includes an identifier identifying said contents, and wherein said play command broadcast in said second time period include an identifier allowing said contents to be retrieved from said storage medium for output.

As per claim 4: See Kuno on col.18, lines 43-46 and 21, lines 49-50; discussing contents broadcast in said first time period include an end store command for terminating the storing of said contents into said storage medium.

As per claim 5:

Kuno discloses a broadcast receiver comprising:

a receiver which receives contents broadcast from a broadcaster in a first time period along with a start store command causing said contents to be stored **(col.20, lines 10-13 and 17-19; Kuno discusses the first time period as where the controller sends to the STB a reception start command to start receiving the program that then leads to the record command. The start of video recording is transmitted and received asynchronously and at an arbitrary timing (col.17, lines 17-20).)**, and then receives a play command broadcasted from a broadcaster in a second time period subsequent to said first time period **(col.21, lines 44-45; Kuno teaches that the broadcasting command is first to send a reception start in order to record (the record command) (col.20, lines 10-12 and 64-65). Next, is the play command**

wherein the reproduction start command is sent to the television monitor (col.21, lines 57-58) to reproduce the data (col.21, lines 63-67). Therefore, Kuno teaches the play command is broadcasted in a second time period subsequent to the first time period after broadcasting the contents.), wherein said store start command causes said contents to be stored, and wherein said play command causes the stored contents to be retrieved for output; **(col.21, lines 47-48 and 56-57)**

a storage medium which stores said contents received; and **(col.20, lines 17-19)**

a processor which stores said contents into said storage medium in accordance with the received store start command **(col.20, lines 3-4)** and for retrieving said contents from said storage medium for output when said processor finds the play command is received and **(col.21, lines 45-46 and 59-67)**

However, Kuno did not clearly discuss wherein said contents retrieved from said storage medium are outputted in a third time period, which is different from said first time period, and is pre-specified by the broadcaster.

Ito, et al. discloses an invention to provide data input/output apparatus and a data input/output method and apparatus that can output an increased number of data sheets in a high speed reproduction mode and be operated comfortably and efficiently. Ito discloses a data recording/reproducing apparatus comprising a plurality of input/output processing sections for processing and outputting input data including audio and/or video data and a plurality of non-linearly accessible

recording medium in order to record the data output from the input/output

processing sections in the recording medium and also to reproduce the data

recorded in the recording medium and output them to the input/output processing

sections (col.3, lines 10-26). The method comprising control means for

controlling input/output processing means so as to make them carry out the

processing operations in the allocated respective time slots and outputting time

slot signals with a fixed cycle period to the respective input/output means (col.3,

lines 27-31) and causing each of input/output processing sections to carry out an

operation of said data in the time slots allocated to it in the first step and output

the processed data to the recording medium and also causing it to process the

data output from the related recording medium and externally output the

processed data (col.3, lines 50-67). Ito further discusses a volume of data is

stored in the memory of the port in each period and then written into the data

storage collectively during the time slot allocated to the port (col.5, lines 17-23).

In essence, Ito reads on the claimed said contents retrieved from said storage

medium are outputted in a third time period, which is different from said first time

period, and is pre-specified by the broadcaster.

Thus, it would have been obvious for a person of ordinary skills in the art

to combine the teaching of Kuno with teaching the claimed wherein said contents

retrieved from said storage medium are outputted in a third time period, which is

different from said first time period, and is pre-specified by the broadcaster as

taught by Ito because the control means for controlling input/output processing

means so as to make them carry out the processing operations in the allocated

respective time slots and outputting time slot signals with a fixed cycle period to
the respective input/output means (col.3, lines 27-31) and a volume of data is
stored in the memory of the port in each period and then written into the data
storage collectively during the time slot allocated to the port (col.5, lines 17-23)
causing it to process the data output from the related recording medium and
externally output the processed data (col.3, lines 50-67). Thus, Ito is an
improvement to provide data input/output apparatus and a data input/output
method and apparatus that can output an increased number of data sheets in a
high speed reproduction mode and be operated comfortably and efficiently (col.3,
lines 9-14).

As per claim 6:   See Kuno on col.4, lines 29-30 and col.7, lines 13-15;
discussing contents broadcast in said first time period are encrypted, wherein
said play command broadcast in said second time period includes a decryption
key for decrypting the encrypted contents, and wherein said processor retrieves
the encrypted contents from said storage medium and decrypts the retrieved
contents for output in said third time period pre-specified by the broadcaster, and
wherein said processor protects the encrypted contents stored in said storage
medium **(col.2, lines 29-45)** against unauthorized decryption and output in any
time period except for said third time period. **(col.3, lines 21-35 and col.19,
lines 53-67)**

As per claim 7:   See Kuno on col.5, lines 20-26 and col.19, lines 1-30;
discussing contents broadcast in said first time period and stored on said storage
medium include a first identifier identifying said contents, wherein said play

command includes a second identifier, and wherein said processor retrieves for

playback said contents stored on said storage medium along with said first

identifier if said first identifier coincides with said second identifier included in said

play command.

As per claim 8:   See Kuno on col.18, lines 43-46 and 21, lines 49-50;

discussing contents broadcast in said first time period include an end store

command for terminating the storing of said contents into said storage medium,

and wherein said processor terminates the storing of said contents into said

storage medium the moment said end store command is received.

As per claim 9:   See Kuno on col.19, lines 53-67; discussing processor

stores the received decryption key into a memory and deletes said decryption

key from said memory after decrypting the encrypted contents using said

decryption key.

As per claim 10:

Kuno discloses a broadcasting method comprising the steps of:

Broadcasting, by a broadcaster, a store <u>start</u> command and contents to be

stored <u>into</u> a storage medium at a receiving side in the first time period; and

(col.20, lines 10-13 and 17-19; Kuno discusses the first time period as

where the controller sends to the STB a reception start command to start

receiving the program that then leads to the record command. The start of

video recording is transmitted and received asynchronously and at an

arbitrary timing (col.17, lines 17-20).)

broadcasting a play command from the broadcaster in a second time

period subsequent to said first time period **(col.21, lines 44-45; Kuno teaches**

that the broadcasting command is first to send a reception start in order to

record (the record command) (col.20, lines 10-12 and 64-65). Next, is the

play command wherein the reproduction start command is sent to the

television monitor (col.21, lines 57-58) to reproduce the data (col.21, lines

63-67). Therefore, Kuno teaches the play command is broadcasted in a

second time period subsequent to the first time period after broadcasting

the contents.) to the receiving side after broadcasting the contents **(col.21,**

lines 47-48 and 56-57), said broadcasting play command causing said contents

stored in said storage medium to be output for playing **(col.21, lines 45-46 and**

59-67).

However, Kuno did not clearly discuss a third time period, which is

different from said first time period, and is pre-specified by the broadcaster.

Ito, et al. discloses an invention to provide data input/output apparatus and

a data input/output method and apparatus that can output an increased number

of data sheets in a high speed reproduction mode and be operated comfortably

and efficiently. Ito discloses a data recording/reproducing apparatus comprising

a plurality of input/output processing sections for processing and outputting input

data including audio and/or video data and a plurality of non-linearly accessible

recording medium in order to record the data output from the input/output

processing sections in the recording medium and also to reproduce the data

recorded in the recording medium and output them to the input/output processing

sections (col.3, lines 10-26). The method comprising control means for
controlling input/output processing means so as to make them carry out the
processing operations in the allocated respective time slots and outputting time
slot signals with a fixed cycle period to the respective input/output means (col.3,
lines 27-31) and causing each of input/output processing sections to carry out an
operation of said data in the time slots allocated to it in the first step and output
the processed data to the recording medium and also causing it to process the
data output from the related recording medium and externally output the
processed data (col.3, lines 50-67). Ito further discusses a volume of data is
stored in the memory of the port in each period and then written into the data
storage collectively during the time slot allocated to the port (col.5, lines 17-23).
In essence, Ito reads on the claimed a third time period, which is different from
said first time period, and is pre-specified by the broadcaster.

Thus, it would have been obvious for a person of ordinary skills in the art
to combine the teaching of Kuno with teaching the claimed of a third time period,
which is different from said first time period, and is pre-specified by the
broadcaster as taught by Ito because the control means for controlling
input/output processing means so as to make them carry out the processing
operations in the allocated respective time slots and outputting time slot signals
with a fixed cycle period to the respective input/output means (col.3, lines 27-31)
and a volume of data is stored in the memory of the port in each period and then
written into the data storage collectively during the time slot allocated to the port
(col.5, lines 17-23) causing it to process the data output from the related

recording medium and externally output the processed data (col.3, lines 50-67).

Thus, Ito is an improvement to provide data input/output apparatus and a data

input/output method and apparatus that can output an increased number of data

sheets in a high speed reproduction mode and be operated comfortably and

efficiently (col.3, lines 9-14).

As per claim 11:

Kuno discloses a program stored on a computer readable storage medium

executing a contents playback method on a computer, comprising instructions of:

    finding a store <u>start</u> command in a broadcast, **(col.20, lines 64-65; Kuno**

discusses the first time period as where the controller sends to the STB a

reception start command to start receiving the program that then leads to

the record command. The start of video recording is transmitted and

received asynchronously and at an arbitrary timing (col.17, lines 17-20).)

storing contents subsequent to said broadcasted store <u>start</u> command in a

storage medium at the receiving side, **(col.20, lines 10-13 and 17-19)**

finding a play command in a broadcast, said broadcasted play command

including an identifier which identifies contents broadcasted beforehand and

store in said storage medium, and **(col.20, lines 30-34 and col.21, lines 47-48**

and 56-57)

playing contents identified with said broadcasted play command, from said

storage medium **(col.21, lines 45-46 and 59-67; Kuno first sends a starting**

reception of a program (applicant's begin store command from the

broadcasting station (col.20, lines 10-12) wherein the record start command

to the hard disk apparatus (col.20, lines 12-13 and 64-65). Next, is the play command (col.21, lines 44-45) wherein the reproduction start command is sent to the television monitor (col.21, lines 57-58) to reproduce the data (col.21, lines 63-67). Therefore, Kuno teaches the play command is broadcasted subsequent to the first time period after broadcasting the contents.).

However, Kuno did not clearly discuss a third time period, which is different from said first time period, and is pre-specified by the broadcaster.

Ito, et al. discloses an invention to provide data input/output apparatus and a data input/output method and apparatus that can output an increased number of data sheets in a high speed reproduction mode and be operated comfortably and efficiently. Ito discloses a data recording/reproducing apparatus comprising a plurality of input/output processing sections for processing and outputting input data including audio and/or video data and a plurality of non-linearly accessible recording medium in order to record the data output from the input/output processing sections in the recording medium and also to reproduce the data recorded in the recording medium and output them to the input/output processing sections (col.3, lines 10-26). The method comprising control means for controlling input/output processing means so as to make them carry out the processing operations in the allocated respective time slots and outputting time slot signals with a fixed cycle period to the respective input/output means (col.3, lines 27-31) and causing each of input/output processing sections to carry out an operation of said data in the time slots allocated to it in the first step and output

the processed data to the recording medium and also causing it to process the

data output from the related recording medium and externally output the

processed data (col.3, lines 50-67). Ito further discusses a volume of data is

stored in the memory of the port in each period and then written into the data

storage collectively during the time slot allocated to the port (col.5, lines 17-23).

In essence, Ito reads on the claimed a third time period, which is different from

said first time period, and is pre-specified by the broadcaster.

Thus, it would have been obvious for a person of ordinary skills in the art

to combine the teaching of Kuno with teaching the claimed of a third time period,

which is different from said first time period, and is pre-specified by the

broadcaster as taught by Ito because the control means for controlling

input/output processing means so as to make them carry out the processing

operations in the allocated respective time slots and outputting time slot signals

with a fixed cycle period to the respective input/output means (col.3, lines 27-31)

and a volume of data is stored in the memory of the port in each period and then

written into the data storage collectively during the time slot allocated to the port

(col.5, lines 17-23) causing it to process the data output from the related

recording medium and externally output the processed data (col.3, lines 50-67).

Thus, Ito is an improvement to provide data input/output apparatus and a data

input/output method and apparatus that can output an increased number of data

sheets in a high speed reproduction mode and be operated comfortably and

efficiently (col.3, lines 9-14).

As per claim 12: **See Kuno on col.4, lines 29-30 and col.7, lines 13-15;**

discussing contents are encrypted, and said play command includes a decryption

key for decrypting the encrypted contents, wherein said step for playing includes

a step for decrypting the contents before playing;

<u>wherein the decrypted contents are played in said third time period pre-</u>

<u>specified by the broadcaster, and wherein said encrypted contents stored in said</u>

<u>storage medium</u> **(col.2, lines 29-45)** <u>are protected again unauthorized decryption</u>

<u>and output in any time period except said third time period.</u> **(col.3, lines 21-35**

and col.19, lines 53-67)

As per claim 13: **See Kuno on col.4, lines 9-24;** discusses finding an end

store command in a broadcast; and terminating the storing of contents onto said

storage medium in response to said end store command is received.

As per claim 14: **See Kuno on col.3, lines 21-35 and col.7, lines 55-58;**

discusses deleting said decryption key after decrypting the encrypted contents.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-14 have been considered

but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from

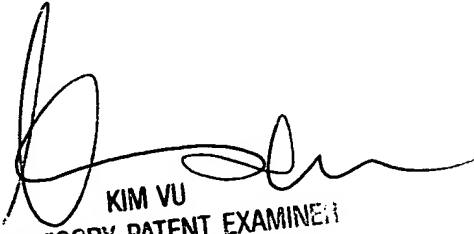the examiner should be directed to LEYNNA T. HA whose telephone number is

(571) 272-3851. The examiner can normally be reached on Monday - Thursday
(7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax
phone number for the organization where this application or proceeding is
assigned is 571-273-8300.

Information regarding the status of an application may be obtained from
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LHa

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SUPERVISORY PATENT EXAMINER
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